

**REMARKS**

In the Office Action dated March 4, 2010, the Examiner rejects claims 1, 2 and 4 under 35 U.S.C. §103(a). With this Amendment, Applicants have amended claims 1 and 2.

After entry of this Amendment, claims 1, 2 and 4 remain pending in the Application.

Reconsideration of the Application as amended is respectfully requested. Entry of the amendment pursuant to 37 C.F.R. §1.116 is respectfully requested as the amendments directly address the Examiner's rejection, changing functional language to structural language without changing the scope of the claim. The amendment either places the claims in condition for allowance or in better form for appeal.

Claims 1 and 2 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wright (US 5,135,484) in view of Ohara et al (US 4,360,324). Claim 1 has been amended to clarify in structural language that the bypass lumen is the guide lumen with the guide wire removed to a location distal the bypass holes. Support for this amendment will be found in lines 9-20 on page 9, especially, lines 9, 19 and 20 on page 9.

Wright discloses that “[t]he catheter may also define a passage 70 which communicates proximally of the proximal balloon with the vessel and, through either the central lumen 54 or another lumen 72, or both, distally of the distal balloon . . .” Col. 4, lines 41-46. This is shown in Fig. 4. Wright does not disclose that the bypass lumen and guide lumen are the same. Rather, Wright discloses that the bypass lumen 70 works with another lumen to bypass the flow of blood. Furthermore, Wright does not disclose a bypass lumen formed from the guide lumen by partially removing the guide wire. Ohara also does not disclose these limitations. Therefore, neither Wright nor Ohara teaches, suggests or renders obvious a bypass lumen formed from the guide lumen into which the guide wire that guides the catheter body to a target position is inserted with the guide wire partially removed from the guide lumen to a position distal the bypass holes, allowing the bypass lumen to work with the stroke means to bypass an occluded area formed by the two balloons.

For at least these reasons, Wright in view of Ohara does not teach, suggest or render obvious the device recited in claim 1. Applicant respectfully submits that claim 1 is in condition for allowance, notice of which is requested.

Claims 2 and 4 depend from claim 1 to include all of the limitations therein. For at least this reason, claims 2 and 4 are not taught, suggested or rendered obvious by the

cited references. Claims 2 and 4 are also in condition for allowance, notice of which is requested.

In addition to its dependency, claim 2 is also not rendered obvious by the cited combination. Claim 2 is amended to recite that one balloon lumen communicates with insides of one of said two balloons and the other balloon lumen communicates with the other of said two balloons to individually control expansion of said balloons. The amendment clarifies what was being claimed. Each balloon having its own lumen allows for the balloons to be inflated separately and to different diameters to occlude blood vessels with varying sizes without damage. Support for this can be found in the specification, for example, in paragraph [0038] and clearly shown in Fig. 1. Neither Wright nor Ohara teaches, suggests or renders obvious the use of a lumen for each balloon so that the balloons can be inflated to different diameters. As noted by the Examiner on page 4 of the Office Action, Wright discloses the device to have a lumen which inflates both of the balloons shown.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wright (US 5,135,484) in view of Ohara et al (US 4,360,324), further in view of Corday et al (US 4,689,041), or Hall et al (US 6,196,230 B1) or Smits (US 6,549,812 B1). Claim 4 depends from claim 1 to include all of the limitations therein. Corday et al, Hall et al and Smits all fail to teach, suggest or render obvious, alone or in combination, all of the limitations of claim 1. Due to its dependency, claim 4 is also not taught, suggested or rendered obvious by the combinations presented by the Examiner. For this reason at least, Applicant submits that claim 4 is in condition for allowance, notice of which is requested.

It is submitted that this Amendment has antecedent basis in the Application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the Application as amended is requested. It is respectfully submitted that this Amendment places the Application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present Application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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